CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
CITY COUNCIL
REGULAR MEETING

SEPTEMBER 20, 2011

INVOCATION:
Pastor Carl Nielsen gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Boysen led the Pledge of Allegiance.

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Boysen, Cordero, Orach, Patino, and Mayor Lavagnino.

STAFF MEMBERS PRESENT
City Manager Ness, City Attorney Trujillo, Assistant City Manager Haydon, Fire Chief Jones, Police Chief Macagni, Director of Public Works/City Engineer Whitehead, Director of Community Development Appel, Director of Administrative Services Visé, Director of Utilities Sweet, Director of Recreation and Parks Posada, and Chief Deputy City Clerk Perez.

VOLUNTEER OF THE MONTH
Councilmember Orach presented a gift to Russell Buford, the Recreation and Parks Volunteer of the Month for September 2011, for his dedication and commitment to the Special Olympics Northern Santa Barbara County Golf Program.

PROCLAMATION – CONSTITUTION WEEK
Mayor Lavagnino read a proclamation declaring the week of September 17 through 23, 2011, as "Constitution Week" in the City of Santa Maria and asking all residents to reaffirm the ideals the framers of the Constitution had in 1787. The proclamation was accepted by Jean Mankins Mollenkopf, Daughters of the American Revolution.

PROCLAMATION – PEACE WEEK
Councilmember Patino read a proclamation declaring the week of September 24 through 30, 2011, as "Peace Week" in the City of Santa Maria and encouraging all residents to participate in this year's activities. The proclamation was accepted by Jill Martin, People for Non-Violence/Peace Week Committee.

PROCLAMATION – FAMILY DAY / A DAY TO EAT DINNER WITH YOUR CHILDREN
Councilmember Cordero read a proclamation declaring September 26, 2011, and every fourth Monday in September, as "Family Day - A Day to Eat Dinner with Your Children" in the City of Santa Maria and urging all residents to recognize and participate in this observance. The proclamation was accepted by Al Rodriguez, Executive Director of Fighting Back Santa Maria Valley.

PROCLAMATION – ARTS AND HUMANITIES MONTH
Councilmember Boysen read a proclamation declaring the month of October 2011 as "Arts and Humanities Month" in the City of Santa Maria and calling upon all residents to celebrate, promote, and participate in the arts through numerous avenues available within the community. The proclamation was accepted by Craig Shafer, President of the Santa Maria Arts Council.

PROCLAMATION – THINK LOW INCOME ENERGY EFFICIENCY AND CARE MONTH
Councilmember Orach read a proclamation declaring the month of October 2011 as "Think Low Income Energy Efficiency and CARE Month" in the City of Santa Maria and

encouraging residents, businesses, and institutions to conserve energy and utilize the many customer assistance and energy efficiency programs offered by The Gas Company and other energy service providers, and further joining The Gas Company in its commitment to working towards meeting set goals for the Energy Savings Assistance Program and California Alternative Rates for Energy (CARE). The proclamation was accepted by Timothy Mahoney from The Gas Company.

PROCLAMATION – NATIONAL ENERGY DAY
Councilmember Patino read a proclamation declaring October 12, 2011, as "the 5th Annual National Energy Day" in the City of Santa Maria and encouraging people across the community to participate in conservation and energy efficiency to help reduce energy demand. The proclamation was accepted by Kathy Staples, Executive Director of the Santa Barbara County Energy Coalition.

PUBLIC COMMENT
Bob Ziener spoke about the Chamber of Commerce and Economic Development Commission reports at the last Council meeting and the recent Economic Forum. He said the City had the resources available to create its own environment to bring to life what the City has to offer. He had been suggesting the City establish a think tank or idea factory, but the City already had an idea factory with City staff and all the community groups.

Ernest Armenta referenced the Mayor's statement that all public comment be directed to the Council, not the audience or viewing public. He requested that each member of the Council vote on whether they agreed with that. He felt it was his right to address the viewing audience and the public because they were his constituents and supporters and they depended on him for information. He asked the City Attorney for a copy of the statute.

Trina Long, County Public Health Department, spoke about a recent collaboration with the Police Department to conduct surveys of retailers selling tobacco. They want to make sure the clerks were following the law and not selling tobacco to minors. This year only 2 out of 31 retailers during the survey sold tobacco to the youth decoy.

CONSENT CALENDAR
Councilmember Cordero requested Item 3C be pulled for comment. Councilmember Boysen requested Item 3G be pulled for comment.

Item 3C – Request to Cancel City Council Meeting
Councilmember Cordero stated when he read this item he was concerned that the public may feel they were missing their opportunity to address the Council.

City Manager Ness stated he indicated to Councilmember Cordero there were really two reasons for requesting the meeting be cancelled. The Planning Commission agenda items had trailed off because of the downturn in development. The Planning Commission meeting for October 5th was also being cancelled. The other reason was that City staff was trying to be as efficient as possible. It took a lot of time to prepare the agenda even if there were not many items. The City Council would be holding a joint meeting on October 12th with the Block Grants Advisory Committee at 5:30 p.m. to launch into the next CDBG cycle. So, the Council will still have two official meetings during the month of October.

Item 3G – Federal Surplus Property Program
Councilmember Boysen asked what type of equipment the City may be able to obtain and what the financial impact to the City would be.

Director of Public Works/City Engineer Whitehead explained that the immediate purpose was to purchase property for the future Police facility at 1111 W. Betteravia Road. Lockheed Martin was currently leasing the building. They are under contract with the Federal government, and their contract was ending. They would be vacating the building. The furnishings inside the building would become surplus and were

owned by the Federal government. The City was planning to purchase those through the Federal Surplus Property Program.

City Manager Ness explained that the value of the furnishings in the building was about $457,000. The City would be able to purchase it for one percent of the value or for less than $5,000. The furniture and equipment was in good condition, and the City would be able to furnish most of the workstations with the equipment.

Consent Calendar Items 3A through 3M were approved on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Boysen, Cordero, Orach, Patino, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of September 6, 2011, were approved as submitted.

C. MEETING CANCELLATION
Resolution No. 2011-113 was adopted cancelling the October 4, 2011, Regular City Council meeting due to lack of agenda items.

Resolution No. 2011-113 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, CANCELLING THE FIRST CITY COUNCIL MEETING IN OCTOBER 2011.

D. WARRANTS
Warrant Nos. 168149 to 168389 totaling $1,370,481.95 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 167399 and 167452 were cancelled.

E. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

F. EXAMINATION OF TAX RECORDS
Resolution No. 2011-114 was adopted authorizing the examination of State Board of Equalization sales and use tax records.

Resolution No. 2011-114 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING THE EXAMINATION OF SALES AND USE TAX RECORDS BY MUNICIPAL REVENUE ADVISORS, INCORPORATED.

G. FEDERAL SURPLUS PROPERTY
Resolution No. 2011-115 was adopted authorizing certain officers of the City to acquire federal surplus property.

Resolution No. 2011-115 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING CERTAIN OFFICERS OF THE CITY TO ACQUIRE FEDERAL SURPLUS PROPERTY.

H. CALL FOR BIDS
The City Council gave approval to call for bids on the plans and specifications for Bid No. 2012/06, Palisade Drive and Church Street Overlay Project.

I. NO-STOPPING ZONE
Resolution No. 2011-116 was adopted establishing a no-stopping zone between 810 and 830 West Church Street to allow large vehicles to safely enter and exit the Public Works driveway.

Resolution No. 2011-116 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING A NO-STOPPING ZONE ON WEST CHURCH STREET PURSUANT TO SECTION 7-5.16 OF THE SANTA MARIA MUNICIPAL CODE.

J. NO-STOPPING ZONE
Resolution No. 2011-117 was adopted establishing a no-stopping zone of 20 feet on either side of the driveway at 1265 West McCoy Lane.

Resolution No. 2011-117 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING A NO-STOPPING ZONE ON WEST MCCOY LANE PURSUANT TO SECTION 7-5.16 OF THE SANTA MARIA MUNICIPAL CODE.

K. NO-STOPPING ZONE
Resolution No. 2011-118 was adopted establishing a no-stopping zone on Rancho Verde at the driveways of Ontiveros Elementary School.

Resolution No. 2011-118 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING A NO-STOPPING ZONE ON RANCHO VERDE PURSUANT TO SECTION 7-5.16 OF THE SANTA MARIA MUNICIPAL CODE.

L. MODIFYING PARKING RESTRICTIONS
Resolution No. 2011-119 was adopted removing a portion of the no-stopping zone on South McClelland Street and replacing it with a 2-hour limited time parking zone, and modifying the effective hours of the 15-minute limited time parking zone on East Boone Street to allow more parking for the Abel Maldonado Community Youth Center.

Resolution No. 2011-119 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, REMOVING, ESTABLISHING, AND MODIFYING PARKING RESTRICTIONS ON SOUTH MCCLELLAND STREET AND EAST BOONE STREET PURSUANT TO SECTIONS 7-5.16 AND 7-5.14 OF THE SANTA MARIA MUNICIPAL CODE.

M. BIRD ABATEMENT
Resolution No. 2011-120 was adopted authorizing the Director of Utilities, or his designee, to enter into an agreement with Safari Depredation Company for bird abatement control at the Santa Maria Regional Landfill.

Resolution No. 2011-120 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE AGREEMENT FOR THE BIRD ABATEMENT CONTROL PROGRAM FOR THE SANTA MARIA REGIONAL LANDFILL.

GROWTH MITIGATION ANNUAL COMPLIANCE REPORT.
Director of Administrative Services Visé gave the staff report. State of California Assembly Bill 1600 – the Mitigation Fee Act (Government Code Section 66000 et seq.) established the criteria by which municipal government may charge developments for the future cost of providing services to new residents. The philosophy of AB1600 is that all residents of a community deserve the same level of service. As residents are added to a community, the increased cost incurred by the municipal government to provide the same level of service to the community should be borne by the development. The

purpose of the City's growth mitigation fee program is to finance the design, construction, and acquisition of facilities and equipment to maintain the City's level of service. Once collected, growth mitigation fees are segregated and placed in special funds that earn interest and are held for the facilities and equipment for which the fees are collected. Pursuant to Government Code Section 66006 (b)(1), local agencies shall, within 180 days after the last day of each fiscal year, make available to the public a report on the status of the Growth Mitigation Fees.

The City updates its Capital Improvement Plan as part of the bi-annual update of the Growth Mitigation Program Fees and reviews the Capital Improvement Plan during the City's two-year budget cycle. On June 2, 2009, the City Council adopted changes to the growth mitigation fees and adopted the 2010-11 budget on June 16, 2010. No changes to the growth mitigation fees are proposed for 2011, and the 2009 fees will remain in effect until the next fee program update scheduled for 2012-13.

It should be noted that the Growth Mitigation Fund as a whole has a negative fund balance of approximately $3.6 million. This deficit situation is the result of some projects being authorized for construction prior to all growth mitigation funds being collected for those projects.

Mayor Lavagnino thanked Director Visé for the presentation and received and filed the report.

CITY MANAGER'S REPORT

City Manager Ness reported on items anticipated for the next regularly scheduled meeting on October 18, 2011, including an item dealing with the Code Compliance Board, the 1-year review of sandwich board signs, as well as a Closed Session and an Award of Valor for Corporal Bob Prescott.

ORAL REPORTS BY COUNCILMEMBERS

Councilmember Boysen reminded the Council that on September 21, 2011, at Buena Vista Park between 4:00 p.m. and 6:30 p.m., they would be celebrating National Recovery Day. He stated he had made some comments at the last Council meeting regarding the Fourth Quarter Budget Report. He mentioned that he thought there was a $2.2 million variance between the numbers presented in June and what actually transpired with the preliminary final numbers presented at the last meeting. City Manager Ness pointed out that he had omitted a couple of categories, and his analysis should have been revised downward by about $600,000. He wanted to make it clear that he was only comparing numbers that were identified as the same in both staff reports. There was never an attempt to omit numbers. He was working with what was provided in the two staff reports and trying to compare apples with apples. He had no reason to doubt Mr. Ness's numbers and would agree that the variance was actually $1.6 million.

Councilmember Patino reported that she attended the Law Enforcement Appreciation Dinner at the Elks Club, the Economic Forum, a Fighting Back Santa Maria Valley Board meeting, the September 11th Day of Remembrance ceremony, a Transportation Committee meeting, accepted the Peace Week proclamation at the Board of Supervisors with several others, attended the Schools Quarterly meeting, the Business Appreciation Luncheon, a meeting of the Santa Barbara Foundation, Parent's Night at Santa Maria High School, the Alzheimer's Walk at Waller Park, and the Committee INC meeting. She invited everyone to attend the Peace Week luncheon on September 30th at the Abel Maldonado Community Youth Center.

Mayor Lavagnino reported he had been on vacation in Connecticut for two weeks. He congratulated the City staff who worked on the Concerts in the Park and willingly extended it for four more weeks. They did a tremendous job. He invited everyone to go look at the two new fire stations. He announced that the City was trying to get some steel from the World Trade Center for memorials at both of the new fire stations.

Councilmember Orach reported that he attended the Law Enforcement Appreciation Dinner at the Elks and the September 11th Remembrance at Fire Station No. 1. He complimented staff on the Concerts in the Park.

Councilmember Cordero reported that he attended the Law Enforcement Appreciation Dinner, the Taste of Mexico at the Veteran's Hall, the September 11th Memorial ceremony at the Sunken Gardens at the Santa Barbara Courthouse, the Special Olympics Tip-A-Cop Fundraising Dinner, a Future Search meeting, a meeting at the Boys and Girls Club, the luncheon where the Chamber of Commerce gave computers to students in need, the Man- and Woman-of-the-Year Award ceremony in Santa Barbara, a pancake breakfast fundraiser at the Boys and Girls Club, the National Latino Police Officers Association Menudo Cook-Off as a judge, a parade in Guadalupe, the Concert in the Park, and a Police Officer Association barbeque.

ADJOURNMENT

There being no further business to come before the City Council at this time, the meeting was declared adjourned by Mayor Lavagnino at 7:40 p.m. to the Special Joint City Council/Block Grants Advisory Committee meeting on October 12, 2011 at 5:30 p.m. and the next regular City Council meeting on October 18, 2011.

APPROVED

October 18, 2011
Date

~~Chief~~ Deputy City Clerk and ex officio Clerk of the City Council

ATTEST

~~Chief~~ Deputy City Clerk

Mayor